

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY STATE  
BOARD OF NURSING

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IN THE MATTER OF THE  
LICENSE OF

ALAN RUTHERFORD, L.P.N.  
License # NP 06755000

TO PRACTICE NURSING IN THE  
STATE OF NEW JERSEY

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Administrative Action

FINAL ORDER  
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a licensed practical nurse in the State of New Jersey, whose New Jersey nursing license expired on May 31, 2014.
2. On or about August 10, 2012, a letter of inquiry was sent to respondent by certified and regular mail at his address of record, seeking information about an arrest on August 7, 2012 for possession of a handgun. The certified mailing of the inquiry was signed for. The regular mailing was returned, marked with a Texas mailing address. No response was received.

3. On or about January 8, 2013, the letter of inquiry was sent by the Board to the Texas mailing address by certified and regular mail. Both mailings were returned as "not deliverable as addressed." No response was received.

#### CONCLUSIONS OF LAW

1. Respondent's failure to respond to a Board inquiry constitutes a failure to cooperate within the intendment of N.J.A.C. 13:45C-1.2, -1.3, as does his failure to provide the Board with a valid address of record, subjecting him to sanctions pursuant to N.J.S.A. 45:1-21(e ) and (h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on September 13, 2014, provisionally suspending respondent's nursing license, and imposing a \$250.00 civil penalty. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The record reflects that the certified mailing of the Provisional Order was signed for. The regular mailing was not returned. On or about September 22, 2014, a telephone call was received from a person identifying himself as Alan Rutherford, who indicated that he had moved to Mobile, Alabama. The caller provided an Alabama

address and asked to have the order mailed to his attention at that address. On September 22, 2014, the Provisional Order was mailed to Alan Rutherford at the Mobile, Alabama address by certified and regular mail. The certified mailing of the order was signed for. The regular mailing was not returned. No response has been received. Accordingly, the Board considered this matter and determined that service had been effected. The Board further determined that as no discrepancies had been raised with respect to the findings and conclusions of the Provisional Order, additional proceedings were not necessary, and the Provisional Order should be made final.

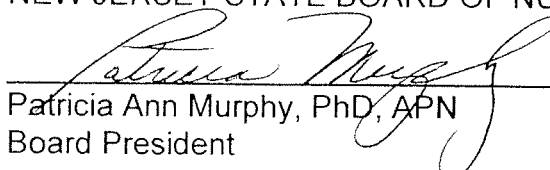
ACCORDINGLY, IT IS on this 17<sup>th</sup> day of December, 2014,

ORDERED that:

1. Respondent's New Jersey nursing license is hereby suspended until he has fully responded to the Board's inquiry and provided the Board with a valid current address.
2. A \$250.00 civil penalty is hereby imposed. Payment shall be in the form of a certified check or money order, made payable to the State of New Jersey, and shall be sent to the attention of George Hebert, Executive Director, Board of Nursing, P.O. Box 45010, 124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07101 within twenty one days of the filing of this order.

NEW JERSEY STATE BOARD OF NURSING

By:

  
Patricia Ann Murphy, PhD, APN  
Board President